

Notice of Allowability

Application No.

09/816,395

Examiner

Russell Frejd

Applicant(s)

SCHWALB ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's paper received on 24-November-2004.
2. ☒ The allowed claim(s) is/are 6-13.
3. ☒ The drawings filed on 26 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: Schwalb et al.,

Allowance of Application # 09/816,395

1. The following communication is in response to applicant's Amendment under 37 C.F.R. 1.116, received on 24-November-2004. In view of applicant's remarks, the Final rejection of claims 6-13 is removed, and examination of the claims is reopened.

Reasons for Allowance

2. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the inventions described in U.S. Patent Nos. 5,548,707, issued to LoNegro et al., and 4,855,939, issued to Fitzgerald, Jr. et al.. The improvement comprises a repositioning system for displaying a computer generated geometric model and associated dimensions, wherein the repositioner repositions the dimension to a desired position relative to the model in response to a user dragging the dimension to the desired position. This patentable distinction is included in each of the independent claims, nos. 6, 9 and 10.

The examiner, in the previous office action, had rejected the amended "dragging" limitation by citing the LoNegro et al. patent at col. 10, lines 34-41, which describes a one time positioning of a dimension that is just created and not yet defined. The present invention, however, allows users to readily reposition, i.e. "drag", any dimension that is already displayed and defined. Indeed, applicant's specification, in paragraphs 56 and 71, describes how once the dimension has been defined, it can be repositioned by dragging the dimension to a preferred position. In essence, the present invention repositions dimensions, whereas LoNegro et al. merely describe initially positioning the dimensions.

In re Application of: Schwalb et al.,

The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <repositioning of a dimension> having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 10, line 24 through page 41, line 11, and Figures 1-24. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

Response Guidelines

3. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

4. **Any response to the Examiner in regard to this allowance should be**

directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA., 22202.

Date: 9-December-2004



**RUSSELL FREJD
PRIMARY EXAMINER**